

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Telecommunications Relay Services)
and Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)
_____)

CC Docket No. 98-67

REPLY COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint") hereby respectfully submits its Reply to the Comments filed in response to the *Notice of Proposed Rulemaking* ("Notice"), FCC 98-90, released May 20, 1998 in the above-captioned proceeding.

A. Speech-To-Speech Relay Services Should Be Required.

As set forth in its initial Comments, Sprint not only supports the Commission's tentative conclusion that speech-to-speech ("STS") relay services should be a mandatory TRS offering, but also believes that, given the benefits STS provides to those with speech impairments, relay providers should be required to implement the service within one year as opposed to the two-year time frame proposed by the Commission. Sprint at 5. Many parties, representing a wide range of interests, agree that STS should be a required relay service. *See, e.g.,* Maryland at 2; California Report at 2; MCI at 2-3; Ameritech at 3; GTE at 4; TDI at 6; NAD at 4; and SHHH at 3.

AT&T, however, argues that the Commission's proposal here should not be adopted. It does not dispute the Commission's determination that STS is a telecommunications relay service as defined by Section 225 of the Act, 47 U.S.C. §225. Rather, AT&T claims that the service is

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not justified under a cost/benefit analysis. It alleges that "demand for STS is still apparently too limited to justify the additional costs of personnel, specialized training and equipment that mandatory nationwide implementation of this service would entail." AT&T at 3-4.

Sprint agrees that before the Commission requires the provision of an improved relay service, it must ensure that the benefits of such services outweigh its costs. As Sprint has repeatedly explained, such cost/benefit analyses are necessary to determine whether a particular relay service is "readily achievable." The difficulty with AT&T's argument here is that AT&T does not present any information that would enable the Commission to determine whether STS service is simply too costly to provide, despite its benefits.

AT&T's position appears to be based solely on its experience with its STS offering in Georgia, where AT&T says demand for the service immediately after it was introduced was *de minimis*. AT&T then claims that "[g]iven this negligible demand for STS, mandating that service will impose unnecessary costs on TRS providers to develop the capability to process such calls." AT&T at 4. But, AT&T fails to provide the Commission with any information showing the extent of AT&T's efforts within the State to promote the service. Obviously, if AT&T has not actively sought to ensure that the potential users of STS are aware of the service, demand will remain low. Similarly, AT&T does not provide the Commission with any data detailing the costs it has incurred to provide the service in Georgia or expects to incur if the service is required nationwide. And, it has failed to inform the Commission whether it has considered any strategies to minimize such costs.

Sprint's own experience in providing STS suggests that AT&T's concerns about "negligible demand" and "unnecessary costs" are over-stated. For example, in Maryland where Sprint operates the TRS center, demand for STS service, although small, has grown

substantially since Sprint began offering the service. In May 1997, Maryland Relay handled 30 STS calls. One year later, in May 1998, the number of such calls handled by Maryland Relay had increase over five-fold to 167. In any case, over 2.5 million Americans are speech impaired, TDI at 6, and are, therefore, potential users of the service. This potential customer base can hardly be considered negligible.

Of course, such potential customer base is unlikely to be evenly dispersed throughout the United States and there may be little demand for STS in some individual States. However, Sprint believes that such "problem" can be overcome by providing STS through regional centers. As the State of Maryland has explained, "[t]he most cost effective method for processing STS calls would be the creation of regional centers through which all STS calls could be processed." Maryland at 2-3. Thus, Sprint recommends that the Commission should ensure that relay providers are able to offer STS on a cost-effective basis by voiding any State requirement that STS be provided to the citizens of such State through relay centers located in such State. *See* Bell Atlantic at 3-4.

Sprint also urges the Commission to reject the suggestions by a few of the parties that the Commission enlarge its proposed two-year deadline for implementing STS. Instead, as stated, the Commission should shorten the period for the required implementation of STS from two to one year. The parties urging the Commission to extend the deadline argue that the additional time is necessary to enable providers to hire and train a sufficient number of Communications Assistants ("CAs") who are qualified to perform STS relay services. *See, e.g.,* Ameritech at 4 ("a three-year deadline will ensure there is adequate time for the selection and specialized training of additional Communications Assistants."); SBC at 5-6 (suggesting a minimum of 5 years for implementation because of staffing and training constraints). But, Sprint, which now offers STS

in five States, has had little difficulty in recruiting and training CAs who are qualified to relay STS calls. Based on such experience, Sprint does not anticipate having any major problems in obtaining additional qualified CAs once STS becomes a mandatory service on a national basis that would necessitate an extension of the deadline.¹ Moreover Sprint believes that one year is sufficient time to resolve any problems that may arise. Thus, the Commission should adopt Sprint's recommendation to halve the amount of time that speech-disabled individuals will be able to enjoy greater access to the Nation's telecommunications networks.

B. Different Language Translation Services Should Be Eligible For Reimbursement From TRS Funds.

As set forth in its Comments, Sprint strongly recommends that relay services which translate a foreign language into English or English into a foreign language should be eligible for reimbursement from TRS funds. Sprint at 9-10. Sprint believes that such service is absolutely necessary because otherwise certain persons -- especially hearing-impaired children of foreign language-speaking parents -- would be unable to communicate with their families. As the Texas Commission has explained with respect to Spanish-speaking persons (at 9):

Hearing impaired children who have Spanish-speaking parents do not learn Spanish as hearing children do -- by listening. Often one finds the only way hearing-impaired children family can communicate with their Spanish-speaking parents and family is through Spanish to English, and English to Spanish translation via Texas TRS. The Texas School for the Deaf as well as other mainstreamed day programs throughout Texas have been using this service to communicate with students' Spanish-speaking parents for quite some time.

See also TDI at 9-10 (because "some deaf children of foreign parents do not learn their parents'

¹As set forth in its Comments, Sprint's CAs are trained to provide STS to those individuals who are moderately speech-disabled. Sprint at 7. If the Commission requires relay providers to offer STS to those with severe speech impairments, CAs will have to receive more extensive training and the costs of providing STS will increase commensurately. Nonetheless Sprint believes that such training can be accomplished within a year's time.

language ... translation services will provide these deaf children the means to communicate with their hearing parents via the relay service"); and NAD at 9 (same).

Moreover, the incremental costs of providing such translation services are *de minimis*, and, as the Commission has previously found, their inclusion in the TRS funding reports submitted by TRS providers to NECA would not have any appreciable impact on the payment amount or TRS fund size. *See, Telecommunications Relay Services and the Americans with Disabilities Act of 1990*, 10 FCC Rcd 1191, 1192 ¶7 (1994); *see also*, Ameritech at 6 (because "a valid TTY-to-voice relay function is still being provided" in instances where language translation is being provided, "it is not the entire cost of the call which must be deemed unrecoverable, but only the incremental costs attributable to the fact that two different languages were involved, which of course in many cases will be only a minimal or non-existent increment"). Indeed, it will likely be more expensive for relay providers like Sprint, which believe it necessary to provide different language translation services for the very reasons set forth by the Texas Commission, to attempt to isolate the incremental costs of providing such services than the amount of the costs actually incurred. For this reason, as well as the fact that no party provided any compelling justification for excluding the costs attributable to different language translation services, the Commission should continue to allow TRS providers to report the costs of providing such translation services to NECA for purposes of computing the TRS fund size and determining the payment formula.

C. The Commission's Speed-Of-Answer Requirements Must Not Penalize Carriers That Use Automated Agents To Gather Call Set-Up Information.

Sprint has previously explained to the Commission that it has developed proprietary software that greatly facilitates call set-up and call completion. This software automatically gathers customer profile information, *e.g.*, call branding, choice of long distance carrier, etc.

when the call enters Sprint's relay switch. Such information is transmitted to the CA at the same time the call is sent to the CA who, in turn, is in the position to immediately ask for and begin dialing the called number. Thus, the relay caller is quickly connected to the person he or she is calling which is -- or should be -- a primary goal of any relay call.

Unfortunately, the Commission's proposed modification to its speed-of-answer requirements would penalize Sprint and other relay providers that have developed and employ enhanced technologies to make the entire relay process more efficient because it makes no allowance for the time necessary to collect the call set up information automatically at the switch. On the contrary, the proposed revision provides an incentive for relay providers to have their CAs gather such information each and every time he or she answers the call even from a regular user of relay services since in that way the relay provider will have the full 10 seconds from the time the call entered its switch until it reached the CA's station. *See* AT&T at 9-10. To avoid such a deleterious result, the Commission should adopt Sprint's recommended modification that would measure the speed-of-answer as the difference between the time the call arrives at the TRS provider's switch and the time the call is answered by the CA, minus any time that the call was attached to a system used to gather call set up and other information.

None of the parties that support the Commission's proposed revision to its speed-of-answer rules address the fact that the gathering of call set-up information may account for some of the difference between the time it takes for a call to arrive at a CA's station once it enters the relay provider's switch. Rather, their concern is that the Commission's current speed-of-answer rules can be interpreted to allow relay providers to classify the call as answered once it arrives at the provider's switch regardless of the amount of time it takes for the call to reach the CA. *See, e.g.,* Maryland at 9 and SHHH at 7. Sprint's suggested modification, however, does not affect

the problem of when the call will be considered answered. Rather, it is designed to enable relay providers to employ systems that may involve some minuscule delay at the outset of the call but which speeds up the entire relay process without running afoul of the Commission's speed-of-answer requirements. Certainly, no party should object to any effort that is designed to make the TRS process "a more positive experience for relay users." TDI at 12. For this reason alone, the Commission should modify its speed-of-answer proposal as recommended by Sprint.

On the other hand, the Commission should not adopt its proposal to have relay providers measure compliance with the speed-of-answer rules on a daily basis. Daily measurements will inevitably produce misleading results. As AT&T has explained, "[g]iven the wide daily variations in TRS traffic loads, meaningful compliance measurements with speed of answer criteria can only be performed over a longer time frame, such as a month." AT&T at 11. Daily measurements will also increase the costs of relay service without any compensating benefits. Indeed, relay providers will have to meet Commission's new speed-of-answer requirements nearly every day if they are to comply with the Commission's proposed answer performance criteria and measure such performance on a monthly basis. *Id.*

D. Current Technology Will Not Permit the Automatic Transfer Of A Customer's ANI To Emergency Service Operators.

There is nearly universal agreement among the commenters that today's technology will not permit TRS to be fully integrated with E-911 emergency services. For example, TRS centers cannot automatically pass the ANI of a TRS user seeking help in an emergency to the emergency services operator. Instead, CAs verbally advise the emergency services personnel of the TRS caller's ANI.² *See, e.g.,* AT&T at 7; MCI at 5; Texas at 10; Maryland at 6-8; Kansas at 6-7.

²Bell Atlantic appears to suggest that relay centers that receive ANIs should be required to pass such ANIs to the emergency services. Bell Atlantic at 5. It is unclear whether Bell Atlantic believes that ANIs should be passed automatically -- which cannot be done -- or verbally which is being done today.

Thus, even assuming that the Commission needs to revise its current TRS rules dealing with the handling of emergency calls -- and the comments filed herein demonstrate that modifications are unnecessary -- any new standards for handling emergency calls at TRS centers must reflect this reality.³

E. The CPNI Of TRS Customers Cannot Be Shared With Other TRS Providers Absent Such Customers' Written Consent.

As Sprint has detailed in its Comments, in cases where the State has chosen to replace its TRS provider, the successor must comply with Section 222 of the Act and the Commission's rules issued thereunder in order to obtain the CPNI information of TRS users compiled by the outgoing TRS provider. Sprint at 13-14. This means that the outgoing vendor may disclose the CPNI of its TRS customers to its successor only upon affirmative written request by such customers. 47 U.S.C. §222(c)(2).

Only a few of the parties argue that the incoming TRS provider is entitled to TRS customers' CPNI without having to comply with Section 222.⁴ But, their arguments in this regard are without merit. NAD, for example, appears to suggest that TRS customers are not entitled to the privacy protections which Congress codified in Section 222 of the Act. NAD at 22 ("...it is not clear that Section 222 even applies to the relay context"). However, NAD does not point to any language in Section 222 which excludes the CPNI information of TRS customers from its coverage. Similarly, there is no language in Section 222 to support the claim by Texas that the CPNI protections do not apply to TRS users who cannot choose their relay

³As set forth in its initial Comments, Sprint believes that an industry task force be convened to explore ways to fully integrate TRS with existing E-911 mechanisms.

⁴Sprint explained in its Comments that its TRS databases which contain TRS customer information are proprietary resources that were developed by Sprint at considerable expense. No party suggests that Sprint be required to turn over such resources to a relay provider that may be chosen to succeed Sprint in any of its States.

provider but must use the one chosen for that state.⁵ Texas at 16. And, Maryland offers no statutory reference for the notion that it and not the TRS customer owns the CPNI resident in the databases of the TRS provider chosen by the State. Maryland at 10.

Sprint, of course, does not claim title to the CPNI of those individuals with hearing or speech impairments that must use the TRS relay services it provides in its States. Sprint's only point is that such individuals have the same right to protect the privacy of their CPNI as customers who are not hearing or speech impaired and do not need to avail themselves of relay services. Sprint appreciates the desire of States to ensure a smooth transition when there is a change in relay providers. But such desire does not allow Sprint to ignore its obligations under Section 222 to protect the CPNI of its customers. In any case, States can assure smooth transitions simply by obtaining the authorizations of TRS customers to release their CPNI to the incoming relay provider.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read "Jay C. Keithley", is written over a horizontal line.

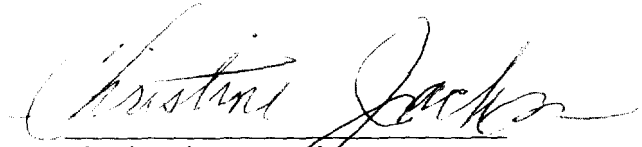
Jay C. Keithley
Michael B. Fingerhut
Norina Moy
1850 M Street, N.W., 11th Floor
Washington, D.C. 20036
(202) 828-7438

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⁵Under the standard espoused by Texas here, the CPNI of local service customers who do not have a choice of local service carriers but must take local service from the BOCs or ILECs that continue to enjoy the benefits of the franchised monopolies previously granted them by the States would not be protected under Section 222.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Reply Comments** were sent by hand or by United States first-class mail, postage prepaid, on this the 14th day of September, 1998 to the parties on the attached list.


Christine Jackson

September 14, 1998

Mr. Robert Nichols
DC-SHHH Group
1618-C Belmont Street, N.W.
Washington, D.C. 20009

Lawrence Katz, Esq.
Bell Atlantic Telephone Co.
8th Floor
1320 North Court House Road
Arlington, VA 22201

Alan Baker, Esq.
Ameritech
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

Lawrence Fenster
Senior Economist
MCI
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Ms. Marylyn Howe, Director
Massachusetts Assistive
Technology Partnership
1295 Baylston St., Suite 310
Boston, MA 02215

Ms. Cheri Copsey
Deputy Attorney General
Idaho PUC
P.O. Box 83720
Boise, Idaho 83720-0074

Northern Virginia Resource Center
for Deaf and Hard of Hearing
Persons
10363 Democracy Lane
Fairfax, VA 22030

Bob Dunbar, Administrator
Idaho Telecommunications
Relay Service
P.O. Box 775
Donnelly, ID 83615

Pamela Holmes, Director
Ultratec, Inc.
450 Science Drive
Madison, WI 53722

Mr. Alfred Sonnenstrahl
Sonny Access Consulting
10910 Brewer House Road
North Bethesda, MD 20852

Mr. Kirk Behnke
2904 Gohn Drive
Willow Grove, PA 19090

Ms. Nancy B. Swigert
American Speech-Language-
Hearing Association
10801 Rockville Pike
Rockville, MD 20852

Mr. Bob Segaiman
3330 Tropicana Court
Sacramento, CA 95826

Ms. Augusta Goldstein
5431 California #1
San Francisco, CA 94118

Ms. Sarah Blackstone
1 Surf Way, #237
Monterey, CA 93940

Mr. Tony Coelho
President's Committee on
Employment of People
With Disabilities
1331 F Street, N.W.
Washington, D.C. 20004

Andrea Williams, Esq.
Michael Altschul, Esq.
Cellular Telecom Industry Asso
Suite 200
1250 Connecticut Ave. N.W.
Washington, D.C. 20036

Sandra Bernstein, Esq.
University Legal Services
300 I Street, N.E., Suite 200
Washington, D.C. 20002

United Cerebral Palsy Association
1660 L Street, N.W., Suite 700

Mr. Stephen Gregory
515 Lakeview Avenue
Pitman, NJ 08071-1874

Bobbie Beth Scoggins, President
USA Deaf Sports Federation
3607 Washington Blvd., Suite 4
Ogden, UT 84403-1737

Association of Tech Act
Projects
Suite 100
1 W Old State Capitol Plaza
Springfield, IL 62701

Mr. David Coco
13264 Kerrville
Austin, TX 78729

Veronica Ahern, Esq.
J. Breck Blalock, Esq.
Nixon, Hargrave, Devans &
Doyle LLP
Suite 700
One Thomas Circle, N.W.
Washington, D.C. 20005

International Transcription
Service
1919 M Street, N.W., Suite 246
Washington, D.C. 20554

Mrs. Gilbert Becker
Maryland Department of
Budget and Management
Suite 1008 A
301 W. Preston Street
Baltimore, Maryland 21201

Calude Stout, Executive Director
Telecommunications for the Deaf
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Robert Hodges, President
Kansas Rely Service, Inc.
Suite 704
700 SW Jackson Street
Topeka, KS 66603

Karen Strauss, Esq.
Telecommunications Policy
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910

Pat Wood, III, Chairman
Public Utility Commission
Of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711

Robert Lynch
Durward Dupre
Southwestern Bell Telephone Co
Pacific Bell
Nevada Bell
One Bell Plaza, Room 3023
Dallas, TX 75202

John Raposa
GTE Service Corp.
600 Hidden Ridge, HQE03J27
P.O. Box 152092
Irving, TX 75015

Andre Lachance, Esq.
GTE Service Corp.
1850 M Street, N.W., Suite 1200
Washington, DC 20036

Cynthia Miller, Esq.
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Mark Rosenblum, Esq.
Peter Jacoby, Esq.
AT&T, Room 3250J1
295 North Maple Avenue
Basking Ridge, NJ 07920

Helen Mickiewicz, Esq.
Peter Arth, Jr.
Public Utilities Commission
State of California
505 Van Ness Ave.
San Francisco, CA 94102

Donna Sorkin
Executive Director
SHHH, Suite 1200
7910 Woodmond Avenue
Bethesda, MD 20814

Kathryn Brown, Chief
Common Carrier Bureau
Federal Communications
Commission
1919 M St., N.W., Suite 500
Washington, D.C. 20554

Ms. Carmel Weathers
Federal Communications
Commission
2000 M St., N.W., Room 221
Washington, D.C. 20554

Richard Muscat
Director of Regulatory/Legal
Affairs
Advisory Commission on State
Emergency Communications
333 Guadeloupe, Suite 2-212
Austin, TX 78701-3942